

LAW OFFICES
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037-3213
TELEPHONE (202) 293-7060
FACSIMILE (202) 293-7860
www.sughruc.com

PH

FACSIMILE COVER SHEET

Date: September 20, 2000

To: Examiner P. Gambel (GAU 160)

Of: U.S. PATENT AND TRADEMARK OFFICE

From: Gordon Kit

No. of Pages (including cover sheet): 5

Your telecopier No.: 703-305-7401

Our telecopier number is 202-293-7860. Please call attention to problems with this transmission by return fax; or telephone 202-293-7060. Thank you.

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL, MAY BE ATTORNEY-CLIENT PRIVILEGED, AND IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE. UNAUTHORIZED USE, DISCLOSURE OR COPYING IS STRICTLY PROHIBITED AND MAY BE UNLAWFUL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US AT 202-293-7060 OR AT FAX 202-293-7860.

Your ref.: U.S. Appln. No. 09/322,021

Our ref.: A-7517

Re: SUBMISSION OF STATEMENT OF AVAILABILITY

Please acknowledge receipt of this facsimile _____

PATENT APPLICATION**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

RICHARD ARMITAGE et al

Appln. No.: 09/322,021

Group Art Unit: 1644

Filed: May 28, 1999

Examiner: Gambel, P.

For: MONOCLONAL ANTIBODIES TO CD40 LIGAND,
PHARMACEUTICAL COMPOSITION COMPRISING
SAME AND HYBRIDOMAS PRODUCING THE SAME

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing **SUBMISSION OF STATEMENT OF AVAILABILITY** (with attached **STATEMENT OF AVAILABILITY**) for the above-identified application is being forwarded by facsimile to the U.S. Patent and Trademark Office on September 20, 2000.


Gordon Kit
Registration No. 30,764

SUBMISSION OF STATEMENT OF AVAILABILITY

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

In the teleconference with the Examiner, the Examiner indicated that Applicants are requested to submit a Statement of Availability in the above-identified application as to the availability of pDC406-mCD40-L.


9021

SUBMISSION OF STATEMENT OF AVAILABILITY
U.S. Appln. No. 09/322,021

Therefore, Applicants submit herewith said Statement of Availability in regard to the same.

The Examiner is invited to contact the undersigned at his Washington telephone number on any questions which might arise.

Respectfully submitted,



Gordon Kit
Registration No. 30,764

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3202
(202) 293-7060

Date: September 20, 2000

09/19/00 TUE 18:12 FAX 206 233 0644

FAX39C7B8EF008B * Pg 3/4

IMMUNEX CORPORATION

--- KIT-SUGHRUE MION 0003

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RICHARD ARMITAGE et al

Appln. No.: 09/322,021

Group Art Unit: 1644

Filed: May 28, 1999

Examiner: Gambel, P.

Per: MONOCLONAL ANTIBODIES TO CD40 LIGAND,
PHARMACEUTICAL COMPOSITION COMPRISING
SAME AND HYBRIDOMAS PRODUCING THE SAME

STATEMENT OF AVAILABILITY

Assistant Commissioner
of Patents
Washington, D.C. 20231

Sir:

We, IMMUNEX CORPORATION, do depose, declare and state that:

We are the Assignee of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on October 17, 1994, at REEL 7170, FRAME 0593, in Parent Application Serial No. 08/249,189, filed May 24, 1994 (now U.S. Patent 5,961,974).

We agree that upon allowance and issuance of the above-identified application into a United States Patent, restriction on availability of:

pDC406-mCD40-L (ATCC No. 68872)

which is designated in the specification of the above-identified application and deposited at the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VIRGINIA 20110-2209, on December 6, 1991, will be irrevocably removed.

09/19/00 TUE 16:13 FAX 206 233 0644

FAX39C7B8EF008B * Pg 4/6

IMMUNEX CORPORATION

--- KIT-SUGHRUE MION 0004

STATEMENT OF AVAILABILITY
U.S. Appln. No. 09/322,021

We agree that the above-identified bacteria designated in the above-identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit or for the effective life of any patent which issues on the above-identified application, whichever is longer;

We agree that if the deposit becomes non-viable, it will be replaced; and

We also assure access to the deposit as determined by the Commissioner under 37 C.F.R. § 1.14.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

IMMUNEX CORPORATION

Date: September 19, 2000Name: Janis C. Henry

Name: Janis C. Henry

Title: Senior Patent Counsel